

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

JASON WHITE,

Petitioner,

v.

Civ. No. 21-0038 KG/SCY

FNU HATCH, Warden,

Respondent.

MEMORANDUM OPINION AND ORDER

This matter is before the Court following Jason White's failure to file a show-cause response addressing mootness. White is an inmate from Tennessee housed in New Mexico. (Doc. 1) at 1. He filed a Letter-Petition on January 14, 2021, while working on a post-conviction motion for that state. The Letter-Petition alleges Northeastern New Mexico Correctional Facility (NNMCF) Warden Hatch would not allow White to speak with a private investigator associated with the Tennessee case. (Doc. 1) at 1-3. White appears to seek an order directing Hatch to allow him to communicate with counsel and the investigator. *Id.* at 2.

On March 18, 2021, White was transferred to the Penitentiary of New Mexico. (Doc. 2). It appears the requested relief is moot. The Court cannot issue a conditional habeas writ because White "no longer suffers a redressable injury." *United States v. Fields*, 823 Fed. App'x 587, 589 (10th Cir. 2020) (addressing mootness in habeas proceedings). Injunctive relief under 42 U.S.C. § 1983 is similarly unavailable. Such claims are moot where, as here, the "claims for ... injunctive relief relate solely to the conditions of confinement at the penal institution at which the prisoner is no longer incarcerated." *Jordan v. Sosa*, 654 F.3d 1012, 1027 (10th Cir. 2011).

The Court fixed a deadline of May 8, 2021 for White to file a response showing cause, if

any, why the Letter-Petition is not moot. (Doc. 3) at 2. The Court also mailed White a form Section 1983 complaint, if he wished to assert a claim for damages based on past violations. White did not address mootness or otherwise respond to the Order. Hence, the Court will dismiss the Letter-Petition without prejudice and as moot. This dismissal has no impact on White's ability to file a separate Section 1983 damages claim at a later time.

IT IS ORDERED:

1. White's Letter-Petition (Doc. 1) is dismissed without prejudice.
2. The Court will enter a separate judgment closing the civil case.



UNITED STATES DISTRICT JUDGE